

SSB 6792 - S AMD 99

By Senators Hargrove, Regala, and Stevens

ADOPTED 02/15/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.34.215 and 2007 c 413 s 1 are each amended to read  
4 as follows:

5 (1) A child may petition the juvenile court to reinstate the  
6 previously terminated parental rights of his or her parent under the  
7 following circumstances:

8 (a) The child was previously found to be a dependent child under  
9 this chapter;

10 (b) The child's parent's rights were terminated in a proceeding  
11 under this chapter;

12 (c) The child has not achieved his or her permanency plan within  
13 three years of a final order of termination(~~(, or if the final order~~  
14 ~~was appealed, within three years of exhaustion of any right to appeal~~  
15 ~~the order terminating parental rights)); and~~

16 (d) (~~Absent good cause,~~) The child must be at least twelve years  
17 old at the time the petition is filed. Upon the child's motion for  
18 good cause shown, or on its own motion, the court may hear a petition  
19 filed by a child younger than twelve years old.

20 (2) A child seeking to petition under this section shall be  
21 provided counsel at no cost to the child.

22 (3) The petition must be signed by the child in the absence of a  
23 showing of good cause as to why the child could not do so.

24 (4) If, after a threshold hearing to consider the parent's apparent  
25 fitness and interest in reinstatement of parental rights, (~~it~~  
26 ~~appears~~) the court finds by a preponderance of the evidence that the  
27 best interests of the child may be served by reinstatement of parental  
28 rights, the juvenile court shall order that a hearing on the merits of  
29 the petition be held.

1 (5) The court shall give prior notice for any proceeding under this  
2 section, or cause prior notice to be given, to the department, the  
3 child's attorney, and the child. The court shall also order the  
4 department to give prior notice of any hearing to the child's former  
5 parent whose parental rights are the subject of the petition, any  
6 parent whose rights have not been terminated, the child's current  
7 foster parent, relative caregiver, guardian or custodian, and the  
8 child's tribe, if applicable.

9 (6) The juvenile court shall conditionally grant the petition if it  
10 finds by clear and convincing evidence that the child has not achieved  
11 his or her permanency plan and is not likely to imminently achieve his  
12 or her permanency plan and that reinstatement of parental rights is in  
13 the child's best interest. In determining whether reinstatement is in  
14 the child's best interest the court shall consider, but is not limited  
15 to, the following:

16 (a) Whether the parent whose rights are to be reinstated is a fit  
17 parent and has remedied his or her deficits as provided in the record  
18 of the prior termination proceedings and prior termination order;

19 (b) The age and maturity of the child, and the ability of the child  
20 to express his or her preference;

21 (c) Whether the reinstatement of parental rights will present a  
22 risk to the child's health, welfare, or safety; and

23 (d) Other material changes in circumstances, if any, that may have  
24 occurred which warrant the granting of the petition.

25 (7) In determining whether the child has or has not achieved his or  
26 her permanency plan or whether the child is likely to achieve his or  
27 her permanency plan, the department shall provide the court, and the  
28 court shall review, information related to any efforts to achieve the  
29 permanency plan including efforts to achieve adoption or a permanent  
30 guardianship.

31 (8)(a) If the court conditionally grants the petition under  
32 subsection (6) of this section, the case will be continued for six  
33 months and a temporary order of reinstatement entered. During this  
34 period, the child shall be placed in the custody of the parent. The  
35 department shall develop a permanency plan for the child reflecting the  
36 plan to be reunification and shall provide transition services to the  
37 family as appropriate.

1 (b) If the child must be removed from the parent due to abuse or  
2 neglect allegations prior to the expiration of the conditional six-  
3 month period, the court shall dismiss the petition for reinstatement of  
4 parental rights if the court finds the allegations have been proven by  
5 a preponderance of the evidence.

6 (c) If the child has been successfully placed with the parent for  
7 six months, the court order reinstating parental rights remains in  
8 effect and the court shall dismiss the dependency.

9 (9) After the child has been placed with the parent for six months,  
10 the court shall hold a hearing. If the placement with the parent has  
11 been successful, the court shall enter a final order of reinstatement  
12 of parental rights, which shall restore all rights, powers, privileges,  
13 immunities, duties, and obligations of the parent as to the child,  
14 including those relating to custody, control, and support of the child.  
15 The court shall dismiss the dependency and direct the clerk's office to  
16 provide a certified copy of the final order of reinstatement of  
17 parental rights to the parent at no cost.

18 (10) The granting of the petition under this section does not  
19 vacate or otherwise affect the validity of the original termination  
20 order.

21 ~~((+10+))~~ (11) Any parent whose rights are reinstated under this  
22 section shall not be liable for any child support owed to the  
23 department pursuant to RCW 13.34.160 or Title 26 RCW for the time  
24 period from the date of termination of parental rights to the date  
25 parental rights are reinstated.

26 ~~((+11+))~~ (12) A proceeding to reinstate parental rights is a  
27 separate action from the termination of parental rights proceeding and  
28 does not vacate the original termination of parental rights. An order  
29 granted under this section reinstates the parental rights to the child.  
30 This reinstatement is a recognition that the situation of the parent  
31 and child have changed since the time of the termination of parental  
32 rights and reunification is now appropriate.

33 ~~((+12+))~~ (13) This section is retroactive and applies to any child  
34 who is under the jurisdiction of the juvenile court at the time of the  
35 hearing regardless of the date parental rights were terminated.

36 (14) The state, the department, and its employees are not liable  
37 for civil damages resulting from any act or omission in the provision  
38 of services under this section, unless the act or omission constitutes

1 gross negligence. This section does not create any duty and shall not  
2 be construed to create a duty where none exists. This section does not  
3 create a cause of action against the state, the department, or its  
4 employees concerning the original termination.

5 **Sec. 2.** RCW 13.34.065 and 2007 c 413 s 5 are each amended to read  
6 as follows:

7 (1)(a) When a child is taken into custody, the court shall hold a  
8 shelter care hearing within seventy-two hours, excluding Saturdays,  
9 Sundays, and holidays. The primary purpose of the shelter care hearing  
10 is to determine whether the child can be immediately and safely  
11 returned home while the adjudication of the dependency is pending.

12 (b) Any parent, guardian, or legal custodian who for good cause is  
13 unable to attend the shelter care hearing may request that a subsequent  
14 shelter care hearing be scheduled. The request shall be made to the  
15 clerk of the court where the petition is filed prior to the initial  
16 shelter care hearing. Upon the request of the parent, the court shall  
17 schedule the hearing within seventy-two hours of the request, excluding  
18 Saturdays, Sundays, and holidays. The clerk shall notify all other  
19 parties of the hearing by any reasonable means.

20 (2)(a) The department of social and health services shall submit a  
21 recommendation to the court as to the further need for shelter care in  
22 all cases in which it is the petitioner. In all other cases, the  
23 recommendation shall be submitted by the juvenile court probation  
24 counselor.

25 (b) All parties have the right to present testimony to the court  
26 regarding the need or lack of need for shelter care.

27 (c) Hearsay evidence before the court regarding the need or lack of  
28 need for shelter care must be supported by sworn testimony, affidavit,  
29 or declaration of the person offering such evidence.

30 (3)(a) At the commencement of the hearing, the court shall notify  
31 the parent, guardian, or custodian of the following:

32 (i) The parent, guardian, or custodian has the right to a shelter  
33 care hearing;

34 (ii) The nature of the shelter care hearing, the rights of the  
35 parents, and the proceedings that will follow; and

36 (iii) If the parent, guardian, or custodian is not represented by

1 counsel, the right to be represented. If the parent, guardian, or  
2 custodian is indigent, the court shall appoint counsel as provided in  
3 RCW 13.34.090; and

4 (b) If a parent, guardian, or legal custodian desires to waive the  
5 shelter care hearing, the court shall determine, on the record and with  
6 the parties present, whether such waiver is knowing and voluntary. A  
7 parent may not waive his or her right to the shelter care hearing  
8 unless he or she appears in court and the court determines that the  
9 waiver is knowing and voluntary. Regardless of whether the court  
10 accepts the parental waiver of the shelter care hearing, the court must  
11 provide notice to the parents of their rights required under (a) of  
12 this subsection and make the finding required under subsection (4) of  
13 this section.

14 (4) At the shelter care hearing the court shall examine the need  
15 for shelter care and inquire into the status of the case. The  
16 paramount consideration for the court shall be the health, welfare, and  
17 safety of the child. At a minimum, the court shall inquire into the  
18 following:

19 (a) Whether the notice required under RCW 13.34.062 was given to  
20 all known parents, guardians, or legal custodians of the child. The  
21 court shall make an express finding as to whether the notice required  
22 under RCW 13.34.062 was given to the parent, guardian, or legal  
23 custodian. If actual notice was not given to the parent, guardian, or  
24 legal custodian and the whereabouts of such person is known or can be  
25 ascertained, the court shall order the supervising agency or the  
26 department of social and health services to make reasonable efforts to  
27 advise the parent, guardian, or legal custodian of the status of the  
28 case, including the date and time of any subsequent hearings, and their  
29 rights under RCW 13.34.090;

30 (b) Whether the child can be safely returned home while the  
31 adjudication of the dependency is pending;

32 (c) What efforts have been made to place the child with a relative;

33 (d) What services were provided to the family to prevent or  
34 eliminate the need for removal of the child from the child's home;

35 (e) Is the placement proposed by the agency the least disruptive  
36 and most family-like setting that meets the needs of the child;

37 (f) Whether it is in the best interest of the child to remain  
38 enrolled in the school, developmental program, or child care the child

1 was in prior to placement and what efforts have been made to maintain  
2 the child in the school, program, or child care if it would be in the  
3 best interest of the child to remain in the same school, program, or  
4 child care;

5 (g) Appointment of a guardian ad litem or attorney;

6 (h) Whether the child is or may be an Indian child as defined in 25  
7 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare  
8 act apply, and whether there is compliance with the Indian child  
9 welfare act, including notice to the child's tribe;

10 (i) Whether, as provided in RCW 26.44.063, restraining orders, or  
11 orders expelling an allegedly abusive (~~parent~~) household member from  
12 the home of a nonabusive parent, guardian, or legal custodian, will  
13 allow the child to safely remain in the home;

14 (j) Whether any orders for examinations, evaluations, or immediate  
15 services are needed. (~~However,~~) The court may not order a parent to  
16 undergo examinations, evaluation, or services at the shelter care  
17 hearing unless the parent agrees to the examination, evaluation, or  
18 service;

19 (k) The terms and conditions for parental, sibling, and family  
20 visitation.

21 (5)(a) The court shall release a child alleged to be dependent to  
22 the care, custody, and control of the child's parent, guardian, or  
23 legal custodian unless the court finds there is reasonable cause to  
24 believe that:

25 (i) After consideration of the specific services that have been  
26 provided, reasonable efforts have been made to prevent or eliminate the  
27 need for removal of the child from the child's home and to make it  
28 possible for the child to return home; and

29 (ii)(A) The child has no parent, guardian, or legal custodian to  
30 provide supervision and care for such child; or

31 (B) The release of such child would present a serious threat of  
32 substantial harm to such child, notwithstanding an order entered  
33 pursuant to RCW 26.44.063; or

34 (C) The parent, guardian, or custodian to whom the child could be  
35 released has been charged with violating RCW 9A.40.060 or 9A.40.070.

36 (b) If the court does not release the child to his or her parent,  
37 guardian, or legal custodian, and the child was initially placed with  
38 a relative pursuant to RCW 13.34.060(1), the court shall order

1 continued placement with a relative, unless there is reasonable cause  
2 to believe the health, safety, or welfare of the child would be  
3 jeopardized or that the efforts to reunite the parent and child will be  
4 hindered. The relative must be willing and available to:

5 (i) Care for the child and be able to meet any special needs of the  
6 child;

7 (ii) Facilitate the child's visitation with siblings, if such  
8 visitation is part of the supervising agency's plan or is ordered by  
9 the court; and

10 (iii) Cooperate with the department in providing necessary  
11 background checks and home studies.

12 (c) If the child was not initially placed with a relative, and the  
13 court does not release the child to his or her parent, guardian, or  
14 legal custodian, the supervising agency shall make reasonable efforts  
15 to locate a relative pursuant to RCW 13.34.060(1).

16 (d) If a relative is not available, the court shall order continued  
17 shelter care or order placement with another suitable person, and the  
18 court shall set forth its reasons for the order. If the court orders  
19 placement of the child with a person not related to the child and not  
20 licensed to provide foster care, the placement is subject to all terms  
21 and conditions of this section that apply to relative placements.

22 (e) Any placement with a relative, or other person approved by the  
23 court pursuant to this section, shall be contingent upon cooperation  
24 with the agency case plan and compliance with court orders related to  
25 the care and supervision of the child including, but not limited to,  
26 court orders regarding parent-child contacts, sibling contacts, and any  
27 other conditions imposed by the court. Noncompliance with the case  
28 plan or court order is grounds for removal of the child from the home  
29 of the relative or other person, subject to review by the court.

30 (f) Uncertainty by a parent, guardian, legal custodian, relative,  
31 or other suitable person that the alleged abuser has in fact abused the  
32 child shall not, alone, be the basis upon which a child is removed from  
33 the care of a parent, guardian, or legal custodian under (a) of this  
34 subsection, nor shall it be a basis, alone, to preclude placement with  
35 a relative under (b) of this subsection or with another suitable person  
36 under (d) of this subsection.

37 (6)(a) A shelter care order issued pursuant to this section shall  
38 include the requirement for a case conference as provided in RCW

1 13.34.067. However, if the parent is not present at the shelter care  
2 hearing, or does not agree to the case conference, the court shall not  
3 include the requirement for the case conference in the shelter care  
4 order.

5 (b) If the court orders a case conference, the shelter care order  
6 shall include notice to all parties and establish the date, time, and  
7 location of the case conference which shall be no later than thirty  
8 days before the fact-finding hearing.

9 (c) The court may order another conference, case staffing, or  
10 hearing as an alternative to the case conference required under RCW  
11 13.34.067 so long as the conference, case staffing, or hearing ordered  
12 by the court meets all requirements under RCW 13.34.067, including the  
13 requirement of a written agreement specifying the services to be  
14 provided to the parent.

15 (7)(a) A shelter care order issued pursuant to this section may be  
16 amended at any time with notice and hearing thereon. The shelter care  
17 decision of placement shall be modified only upon a showing of change  
18 in circumstances. No child may be placed in shelter care for longer  
19 than thirty days without an order, signed by the judge, authorizing  
20 continued shelter care.

21 (b)(i) An order releasing the child on any conditions specified in  
22 this section may at any time be amended, with notice and hearing  
23 thereon, so as to return the child to shelter care for failure of the  
24 parties to conform to the conditions originally imposed.

25 (ii) The court shall consider whether nonconformance with any  
26 conditions resulted from circumstances beyond the control of the  
27 parent, guardian, or legal custodian and give weight to that fact  
28 before ordering return of the child to shelter care.

29 (8)(a) If a child is returned home from shelter care a second time  
30 in the case, or if the supervisor of the caseworker deems it necessary,  
31 the multidisciplinary team may be reconvened.

32 (b) If a child is returned home from shelter care a second time in  
33 the case a law enforcement officer must be present and file a report to  
34 the department.

35 **Sec. 3.** RCW 13.34.136 and 2007 c 413 s 7 are each amended to read  
36 as follows:

37 (1) Whenever a child is ordered removed from the home, a permanency

1 plan shall be developed no later than sixty days from the time the  
2 supervising agency assumes responsibility for providing services,  
3 including placing the child, or at the time of a hearing under RCW  
4 13.34.130, whichever occurs first. The permanency planning process  
5 continues until a permanency planning goal is achieved or dependency is  
6 dismissed. The planning process shall include reasonable efforts to  
7 return the child to the parent's home.

8 (2) The agency supervising the dependency shall submit a written  
9 permanency plan to all parties and the court not less than fourteen  
10 days prior to the scheduled hearing. Responsive reports of parties not  
11 in agreement with the supervising agency's proposed permanency plan  
12 must be provided to the supervising agency, all other parties, and the  
13 court at least seven days prior to the hearing.

14 The permanency plan shall include:

15 (a) A permanency plan of care that shall identify one of the  
16 following outcomes as a primary goal and may identify additional  
17 outcomes as alternative goals: Return of the child to the home of the  
18 child's parent, guardian, or legal custodian; adoption; guardianship;  
19 permanent legal custody; long-term relative or foster care, until the  
20 child is age eighteen, with a written agreement between the parties and  
21 the care provider; successful completion of a responsible living skills  
22 program; or independent living, if appropriate and if the child is age  
23 sixteen or older. The department shall not discharge a child to an  
24 independent living situation before the child is eighteen years of age  
25 unless the child becomes emancipated pursuant to chapter 13.64 RCW;

26 (b) Unless the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~)  
27 (5), that a termination petition be filed, a specific plan as to where  
28 the child will be placed, what steps will be taken to return the child  
29 home, what steps the agency will take to promote existing appropriate  
30 sibling relationships and/or facilitate placement together or contact  
31 in accordance with the best interests of each child, and what actions  
32 the agency will take to maintain parent-child ties. All aspects of the  
33 plan shall include the goal of achieving permanence for the child.

34 (i) The agency plan shall specify what services the parents will be  
35 offered to enable them to resume custody, what requirements the parents  
36 must meet to resume custody, and a time limit for each service plan and  
37 parental requirement.

1 (ii) Visitation is the right of the family, including the child and  
2 the parent, in cases in which visitation is in the best interest of the  
3 child. Early, consistent, and frequent visitation is crucial for  
4 maintaining parent-child relationships and making it possible for  
5 parents and children to safely reunify. The agency shall encourage the  
6 maximum parent and child and sibling contact possible, when it is in  
7 the best interest of the child, including regular visitation and  
8 participation by the parents in the care of the child while the child  
9 is in placement. Visitation shall not be limited as a sanction for a  
10 parent's failure to comply with court orders or services where the  
11 health, safety, or welfare of the child is not at risk as a result of  
12 the visitation. Visitation may be limited or denied only if the court  
13 determines that such limitation or denial is necessary to protect the  
14 child's health, safety, or welfare. The court and the agency should  
15 rely upon community resources, relatives, foster parents, and other  
16 appropriate persons to provide transportation and supervision for  
17 visitation to the extent that such resources are available, and  
18 appropriate, and the child's safety would not be compromised.

19 (iii) A child shall be placed as close to the child's home as  
20 possible, preferably in the child's own neighborhood, unless the court  
21 finds that placement at a greater distance is necessary to promote the  
22 child's or parents' well-being.

23 (iv) The plan shall state whether both in-state and, where  
24 appropriate, out-of-state placement options have been considered by the  
25 department.

26 (v) Unless it is not in the best interests of the child, whenever  
27 practical, the plan should ensure the child remains enrolled in the  
28 school the child was attending at the time the child entered foster  
29 care.

30 (vi) The agency charged with supervising a child in placement shall  
31 provide all reasonable services that are available within the agency,  
32 or within the community, or those services which the department has  
33 existing contracts to purchase. It shall report to the court if it is  
34 unable to provide such services; and

35 (c) If the court has ordered, pursuant to RCW 13.34.130(~~(+4)~~) (5),  
36 that a termination petition be filed, a specific plan as to where the  
37 child will be placed, what steps will be taken to achieve permanency  
38 for the child, services to be offered or provided to the child, and, if

1 visitation would be in the best interests of the child, a  
2 recommendation to the court regarding visitation between parent and  
3 child pending a fact-finding hearing on the termination petition. The  
4 agency shall not be required to develop a plan of services for the  
5 parents or provide services to the parents if the court orders a  
6 termination petition be filed. However, reasonable efforts to ensure  
7 visitation and contact between siblings shall be made unless there is  
8 reasonable cause to believe the best interests of the child or siblings  
9 would be jeopardized.

10 (3) Permanency planning goals should be achieved at the earliest  
11 possible date, preferably before the child has been in out-of-home care  
12 for fifteen months. In cases where parental rights have been  
13 terminated, the child is legally free for adoption, and adoption has  
14 been identified as the primary permanency planning goal, it shall be a  
15 goal to complete the adoption within six months following entry of the  
16 termination order.

17 (4) If the court determines that the continuation of reasonable  
18 efforts to prevent or eliminate the need to remove the child from his  
19 or her home or to safely return the child home should not be part of  
20 the permanency plan of care for the child, reasonable efforts shall be  
21 made to place the child in a timely manner and to complete whatever  
22 steps are necessary to finalize the permanent placement of the child.

23 (5) The identified outcomes and goals of the permanency plan may  
24 change over time based upon the circumstances of the particular case.

25 (6) The court shall consider the child's relationships with the  
26 child's siblings in accordance with RCW 13.34.130(3).

27 (7) For purposes related to permanency planning:

28 (a) "Guardianship" means a dependency guardianship or a legal  
29 guardianship pursuant to chapter 11.88 RCW or equivalent laws of  
30 another state or a federally recognized Indian tribe.

31 (b) "Permanent custody order" means a custody order entered  
32 pursuant to chapter 26.10 RCW.

33 (c) "Permanent legal custody" means legal custody pursuant to  
34 chapter 26.10 RCW or equivalent laws of another state or a federally  
35 recognized Indian tribe.

36 **Sec. 4.** RCW 26.44.063 and 2000 c 119 s 12 are each amended to read  
37 as follows:

1 (1) It is the intent of the legislature to minimize trauma to a  
2 child involved in an allegation of sexual or physical abuse. The  
3 legislature declares that removing the child from the home or the care  
4 of a parent, guardian, or legal custodian often has the effect of  
5 further traumatizing the child. It is, therefore, the legislature's  
6 intent that the alleged (~~offender~~) abuser, rather than the child,  
7 shall be removed or restrained from the (~~home~~) child's residence and  
8 that this should be done at the earliest possible point of intervention  
9 in accordance with RCW 10.31.100, (~~13.34.130~~) chapter 13.34 RCW, this  
10 section, and RCW 26.44.130.

11 (2) In any judicial proceeding in which it is alleged that a child  
12 has been subjected to sexual or physical abuse, if the court finds  
13 reasonable grounds to believe that an incident of sexual or physical  
14 abuse has occurred, the court may, on its own motion, or the motion of  
15 the guardian ad litem or other parties, issue a temporary restraining  
16 order or preliminary injunction restraining or enjoining the person  
17 accused of committing the abuse from:

18 (a) Molesting or disturbing the peace of the alleged victim;

19 (b) Entering the family home of the alleged victim except as  
20 specifically authorized by the court;

21 (c) Having any contact with the alleged victim, except as  
22 specifically authorized by the court;

23 (d) Knowingly coming within, or knowingly remaining within, a  
24 specified distance of a specified location.

25 (3) If the caretaker is willing, and does comply with the  
26 restraining order entered pursuant to this section, uncertainty that  
27 the alleged abuser has in fact abused the alleged victim shall not,  
28 alone, be a basis to remove the alleged victim from the caretaker, nor  
29 shall it be considered neglect.

30 (4) In issuing a temporary restraining order or preliminary  
31 injunction, the court may impose any additional restrictions that the  
32 court in its discretion determines are necessary to protect the child  
33 from further abuse or emotional trauma pending final resolution of the  
34 abuse allegations.

35 (~~(4)~~) (5) The court shall issue a temporary restraining order  
36 prohibiting a person from entering the family home if the court finds  
37 that the order would eliminate the need for an out-of-home placement to

1 protect the child's right to nurturance, health, and safety and is  
2 sufficient to protect the child from further sexual or physical abuse  
3 or coercion.

4 ~~((+5))~~ (6) The court may issue a temporary restraining order  
5 without requiring notice to the party to be restrained or other parties  
6 only if it finds on the basis of the moving affidavit or other evidence  
7 that irreparable injury could result if an order is not issued until  
8 the time for responding has elapsed.

9 ~~((+6))~~ (7) A temporary restraining order or preliminary  
10 injunction:

11 (a) Does not prejudice the rights of a party or any child which are  
12 to be adjudicated at subsequent hearings in the proceeding; and

13 (b) May be revoked or modified.

14 ~~((+7))~~ (8) The person having physical custody of the child shall  
15 have an affirmative duty to assist in the enforcement of the  
16 restraining order including but not limited to a duty to notify the  
17 court as soon as practicable of any violation of the order, a duty to  
18 request the assistance of law enforcement officers to enforce the  
19 order, and a duty to notify the department of social and health  
20 services of any violation of the order as soon as practicable if the  
21 department is a party to the action. Failure by the custodial party to  
22 discharge these affirmative duties shall be subject to contempt  
23 proceedings.

24 ~~((+8))~~ (9) Willful violation of a court order entered under this  
25 section is a misdemeanor. A written order shall contain the court's  
26 directive and shall bear the legend: "Violation of this order with  
27 actual notice of its terms is a criminal offense under chapter 26.44  
28 RCW, is also subject to contempt proceedings, and will subject a  
29 violator to arrest."

30 ~~((+9))~~ (10) If a restraining order issued under this section is  
31 modified or terminated, the clerk of the court shall notify the law  
32 enforcement agency specified in the order on or before the next  
33 judicial day. Upon receipt of notice that an order has been  
34 terminated, the law enforcement agency shall remove the order from any  
35 computer-based criminal intelligence system.

36 **Sec. 5.** RCW 74.13.031 and 2007 c 413 s 10 are each amended to read  
37 as follows:

1 The department shall have the duty to provide child welfare  
2 services and shall:

3 (1) Develop, administer, supervise, and monitor a coordinated and  
4 comprehensive plan that establishes, aids, and strengthens services for  
5 the protection and care of runaway, dependent, or neglected children.

6 (2) Within available resources, recruit an adequate number of  
7 prospective adoptive and foster homes, both regular and specialized,  
8 i.e. homes for children of ethnic minority, including Indian homes for  
9 Indian children, sibling groups, handicapped and emotionally disturbed,  
10 teens, pregnant and parenting teens, and annually report to the  
11 governor and the legislature concerning the department's success in:  
12 (a) Meeting the need for adoptive and foster home placements; (b)  
13 reducing the foster parent turnover rate; (c) completing home studies  
14 for legally free children; and (d) implementing and operating the  
15 passport program required by RCW 74.13.285. The report shall include  
16 a section entitled "Foster Home Turn-Over, Causes and Recommendations."

17 (3) Investigate complaints of any recent act or failure to act on  
18 the part of a parent or caretaker that results in death, serious  
19 physical or emotional harm, or sexual abuse or exploitation, or that  
20 presents an imminent risk of serious harm, and on the basis of the  
21 findings of such investigation, offer child welfare services in  
22 relation to the problem to such parents, legal custodians, or persons  
23 serving in loco parentis, and/or bring the situation to the attention  
24 of an appropriate court, or another community agency(~~(;—PROVIDED,~~  
25 ~~That)~~). An investigation is not required of nonaccidental injuries  
26 which are clearly not the result of a lack of care or supervision by  
27 the child's parents, legal custodians, or persons serving in loco  
28 parentis. If the investigation reveals that a crime against a child  
29 may have been committed, the department shall notify the appropriate  
30 law enforcement agency.

31 (4) Offer, on a voluntary basis, family reconciliation services to  
32 families who are in conflict.

33 (5)(a) Monitor out-of-home placements(, ~~on a timely and routine~~  
34 ~~basis,~~) and conduct face-to-face meetings with children in out-of-home  
35 care and their caregivers on a monthly basis to assure the safety,  
36 well-being, and quality of care being provided is within the scope of  
37 the intent of the legislature as defined in RCW 74.13.010 and

1 74.15.010(~~(, and annually submit a report measuring the extent to which~~  
2 ~~the department achieved the specified goals to the governor and the~~  
3 ~~legislature))).~~

4 (b) Within existing funds for this purpose, when a child's case is  
5 being managed under a contract between the department and a private  
6 agency that has been accredited by a national child welfare accrediting  
7 entity, the private agency shall conduct the monthly face-to-face  
8 meetings with the child and the child's caregiver. The agency shall  
9 provide the department with a written report of the meeting within  
10 fifteen days of the meeting. In these cases, the department need only  
11 have a face-to-face meeting with the child and the child's caretaker on  
12 a quarterly basis.

13 (6) Have authority to accept custody of children from parents and  
14 to accept custody of children from juvenile courts, where authorized to  
15 do so under law, to provide child welfare services including placement  
16 for adoption, to provide for the routine and necessary medical, dental,  
17 and mental health care, or necessary emergency care of the children,  
18 and to provide for the physical care of such children and make payment  
19 of maintenance costs if needed. Except where required by Public Law  
20 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives  
21 children for adoption from the department shall discriminate on the  
22 basis of race, creed, or color when considering applications in their  
23 placement for adoption.

24 (7) Have authority to provide temporary shelter to children who  
25 have run away from home and who are admitted to crisis residential  
26 centers.

27 (8) Have authority to purchase care for children; and shall follow  
28 in general the policy of using properly approved private agency  
29 services for the actual care and supervision of such children insofar  
30 as they are available, paying for care of such children as are accepted  
31 by the department as eligible for support at reasonable rates  
32 established by the department.

33 (9) Establish a children's services advisory committee which shall  
34 assist the secretary in the development of a partnership plan for  
35 utilizing resources of the public and private sectors, and advise on  
36 all matters pertaining to child welfare, licensing of child care  
37 agencies, adoption, and services related thereto. At least one member  
38 shall represent the adoption community.

1 (10)(a) Have authority to provide continued foster care or group  
2 care as needed to participate in or complete a high school or  
3 vocational school program.

4 (b)(i) Beginning in 2006, the department has the authority to allow  
5 up to fifty youth reaching age eighteen to continue in foster care or  
6 group care as needed to participate in or complete a posthigh school  
7 academic or vocational program, and to receive necessary support and  
8 transition services.

9 (ii) In 2007 and 2008, the department has the authority to allow up  
10 to fifty additional youth per year reaching age eighteen to remain in  
11 foster care or group care as provided in (b)(i) of this subsection.

12 (iii) A youth who remains eligible for such placement and services  
13 pursuant to department rules may continue in foster care or group care  
14 until the youth reaches his or her twenty-first birthday. Eligibility  
15 requirements shall include active enrollment in a posthigh school  
16 academic or vocational program and maintenance of a 2.0 grade point  
17 average.

18 (11) Refer cases to the division of child support whenever state or  
19 federal funds are expended for the care and maintenance of a child,  
20 including a child with a developmental disability who is placed as a  
21 result of an action under chapter 13.34 RCW, unless the department  
22 finds that there is good cause not to pursue collection of child  
23 support against the parent or parents of the child. Cases involving  
24 individuals age eighteen through twenty shall not be referred to the  
25 division of child support unless required by federal law.

26 (12) Have authority within funds appropriated for foster care  
27 services to purchase care for Indian children who are in the custody of  
28 a federally recognized Indian tribe or tribally licensed child-placing  
29 agency pursuant to parental consent, tribal court order, or state  
30 juvenile court order; and the purchase of such care shall be subject to  
31 the same eligibility standards and rates of support applicable to other  
32 children for whom the department purchases care.

33 Notwithstanding any other provision of RCW 13.32A.170 through  
34 13.32A.200 and 74.13.032 through 74.13.036, or of this section all  
35 services to be provided by the department of social and health services  
36 under subsections (4), (6), and (7) of this section, subject to the  
37 limitations of these subsections, may be provided by any program

1 offering such services funded pursuant to Titles II and III of the  
2 federal juvenile justice and delinquency prevention act of 1974.

3 (13) Within amounts appropriated for this specific purpose, provide  
4 preventive services to families with children that prevent or shorten  
5 the duration of an out-of-home placement.

6 (14) Have authority to provide independent living services to  
7 youths, including individuals who have attained eighteen years of age,  
8 and have not attained twenty-one years of age who are or have been in  
9 foster care.

10 (15) Consult at least quarterly with foster parents, including  
11 members of the foster parent association of Washington state, for the  
12 purpose of receiving information and comment regarding how the  
13 department is performing the duties and meeting the obligations  
14 specified in this section and RCW 74.13.250 and 74.13.320 regarding the  
15 recruitment of foster homes, reducing foster parent turnover rates,  
16 providing effective training for foster parents, and administering a  
17 coordinated and comprehensive plan that strengthens services for the  
18 protection of children. Consultation shall occur at the regional and  
19 statewide levels.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW  
21 to read as follows:

22 To be eligible for placement in a HOPE center, a minor must be  
23 either a street youth, as that term is defined in this chapter, or a  
24 youth who, without placement in a HOPE center, will continue to  
25 participate in increasingly risky behavior. Youth may also self-refer  
26 to a HOPE center. Payment for a HOPE center bed is not contingent upon  
27 prior approval by the department.

28 **Sec. 7.** RCW 74.15.240 and 1999 c 267 s 14 are each amended to read  
29 as follows:

30 To be eligible for placement in a responsible living skills  
31 program, the minor must be dependent under chapter 13.34 RCW and must  
32 have lived in a HOPE center or in a secure crisis residential center.  
33 However, if the minor's caseworker determines that placement in a  
34 responsible living skills program would be the most appropriate  
35 placement given the minor's current circumstances, prior residence in  
36 a HOPE center or secure crisis residential center before placement in

1 a responsible living program is not required. Responsible living  
2 skills centers are intended as a placement alternative for dependent  
3 youth that the department chooses for the youth because no other  
4 services or alternative placements have been successful. Responsible  
5 living skills centers are not for dependent youth whose permanency plan  
6 includes return to home or family reunification."

**SSB 6792** - S AMD

By Senators Hargrove, Regala, and Stevens

**ADOPTED 02/15/2008**

7 On page 1, line 1 of the title, after "matters;" strike the  
8 remainder of the title and insert "amending RCW 13.34.215, 13.34.065,  
9 13.34.136, 26.44.063, 74.13.031, and 74.15.240; and adding a new  
10 section to chapter 74.15 RCW."

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